

### **REMARKS**

In accordance with the foregoing, claim 13 has been amended to clarify the subject matter thereof, and claims 1-5 and 7-20 are pending and under consideration. No new matter is presented in this Amendment.

### **REJECTIONS UNDER DOUBLE PATENTING:**

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent 6,744,713. Claims 2-4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent 6,744,713. Claims 5 and 7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 32, 36 and 40 of U.S. Patent 6,744,713. Claims 8-11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14 and 15 of U.S. Patent 6,744,713. Claim 12 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent 6,744,713. Claims 13-16, 18 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. patent 6,744,713.

Since claims 1-5, 7-16, 18, and 20 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. As such, it is respectfully requested that Applicants be allowed to address any obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. § 102 and 35 U.S.C. § 103 are resolved.

### **REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1 and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by Ro et al. (U.S. Patent 6,288,989). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites that “a **plurality of identical** write protection information is stored in physically separate locations.” On page 3 of the Office Action, the Examiner states that, though the claim recites a plurality of identical write information, the write information is, in fact, not identical because each of the write information is recorded in a different location (as illustrated in FIG. 8). That is, according to the Examiner, no two pieces of simultaneously existing data can be identical because, of course, no two pieces of simultaneously existing data can have a same physical address (i.e., be occupying a same storage space). However, the different addresses shown in FIG. 8 are not data, but physical locations of the identical information that necessarily have different addresses. To one of ordinary skill in the art, data is identical when the content of that data is the same even if recorded at different addresses. As the content of data does not include a location of where the data is stored, it is respectfully submitted that the claim provides a plurality of identical write protection information, as recited. In contrast, Ro teaches a **plurality of different** (i.e., **having different content**) overwriting prevention information for each program, each different overwriting prevention information being stored just once. Though Ro discloses the recording of a plurality of overwrite prevention information such that overwrite prevention information is recorded for each recorded audio/video program (FIG. 6 and column 8, lines 13-22), Ro does not teach a recording of a **plurality of identical** overwrite prevention information.

Even assuming arguendo the passwords in Ro are the same, which the Examiner has not shown necessarily occurs, the passwords do not corresponding to the write protection information. Clearly, as illustrated in FIG. 6, the plurality of overwrite protection information in Ro is not identical. Each overwrite protection information is different in at least the “Title of Program” field and the “Position Data” field. On page 9 of the Office Action, the Examiner asserts that the overwriting prevention information is only the password. However, such a statement is directly and explicitly contradicted by the reference. That is, Ro explicitly states that the overwriting prevention information is not just the password, but is “a title of the program recorded on the data area, mode flags of 1 byte, a password and position data indicating a position of the data area on which the program is recorded, etc.” (column 8, lines 18-22; and column 8, lines 34-36). Clearly, the overwriting prevention information in Ro is not just the password. In fact, to use the overwriting prevention information, more than just the password is required since without the remaining data it is not possible to locate the protected data area. That is, as the overwriting prevention information corresponds to specific programs, **the**

**password alone does not prevent any overwriting** without reference to the title of the program and the position data (column 8, lines 36-41). However, the title of the program and the position data are necessarily different for each of the overwriting prevention information in Ro. Moreover, Ro does not require that the password be the same for all titles since the password is input for each recording (FIG. 2C). Therefore, the Applicants respectfully submit that Ro fails to disclose, implicitly or explicitly, a plurality of identical write protection information, as recited in claim 1.

Regarding the rejection of independent claim 13, it is noted that claim 13, as amended, recites a recording medium having at least two write protection information stored **“in a single recording operation.”** In contrast, Ro teaches recording overwrite prevention information, from among the plurality of overwriting prevention information, when the corresponding audio/video program is recorded (column, 8, lines 31-36). That is, the plurality of overwriting prevention information is not recorded in a single recording operation, as in claim 13, but rather at separate times based on the recording of the corresponding audio/video program. It is further noted that, contrary to the Examiner’s misinterpretation of “at the same time” on page 4 of the Office Action, the recording of the at least two write protection information in a single recording operation means that the at least two write protection information are recorded in the same recording operation as each other. Therefore, the Applicants respectfully submit that Ro fails to disclose, implicitly or explicitly, a storage of a plurality of write protection information in a single recording operation, as recited in claim 13.

Claims 8 and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Braithwaite et al. (U.S. Patent 5,644,444). The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 8, it is noted that claim 8 recites, “the recording medium is set to a write protection state... when the finalization for writing on the Lead-in area and the Lead-out area has been completed.” In contrast, Braithwaite does not disclose a finalization of the Lead-in and Lead-out area. On page 5 of the Office Action, the Examiner states that the claimed Lead-in and Lead-out area can be changed. That is, according to the Examiner, the claimed “finalization” is a meaningless term that has no impact on the recited subject matter. However, to one of ordinary skill in the art, finalization is a state in which the area and a table of contents therefor cannot thereafter be changed (as evidenced by the

enclosed Computers & Electronics article, "It's Not Final 'Til It's... Well, Finalized," Vol. 17, Issue 4, pp 38-39 (April 2006), which states, "When a burner finalizes a disc, it means you can't add to it or rearrange the content"). That is, after finalization, the claimed Lead-in and Lead-out areas cannot be changed, as is understood by one of ordinary skill in the art. However, the protection mode in Braithwaite can be changed "at any time" (column 7, lines 60-61), which is allowable in such discs that can be used without finalization, like the magnetic media described in Braithwaite. In contrast, when finalization is used in a medium, allowing such changes would necessarily allow changes in a table of contents or like structure, which is prohibited after finalization. Therefore, the Applicants respectfully submit that Braithwaite fails to disclose, implicitly or explicitly, a finalizing of a Lead-in area and Lead-out area, as recited in claim 8.

Regarding the rejection of claim 9, it is noted that this claim depends from claim 8 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that claim 9 recites a recognition switch on the case for write protection. In contrast, Braithwaite discloses a shutter 18 (FIG. 3) on the disk cartridge to protect the head access opening when the cartridge is not in use (column 4, lines 34-37). That is, the shutter 18 does not relate to a write protection state, and is constant (i.e., closed when the cartridge is not in use) irrespective of the write protection state. Therefore, the Applicants respectfully submit that Braithwaite fails to disclose, implicitly or explicitly, a recognition switch, as recited in claim 9.

#### **REJECTIONS UNDER 35 U.S.C. §103:**

Claims 2, 4, and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ro et al. (U.S. Patent 6,288,989) and further in view of Yonemitsu et al. (U.S. Patent 5,793,779). The Applicants respectfully traverse the rejection and request reconsideration. Furthermore, the Applicants note that the Examiner has failed to address the arguments made with respect to claims 2, 4, and 5 in the response filed on October 8, 2008. Accordingly, it is respectfully requested that the Examiner withdraw the finality of the present Office Action. The arguments are repeated below for the Examiner's consideration.

Regarding the rejection of independent claim 2, it is noted that claim 2 was amended in the Amendment filed on January 4, 2008 to incorporate the allowable subject matter of claim 3, which is rejected only on nonstatutory double patenting grounds. Therefore, the Applicants respectfully requested that the 103(a) rejection be withdrawn. In particular, Applicants note that

claim 2 had been amended to incorporate a feature of claim 3, which the Examiner does not reject in view of the above combination. However, in the current Office Action, the Examiner has repeated the 103(a) rejection of independent claim 2, without addressing the added limitation. Therefore, the Applicants respectfully submit that Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the invention as recited in claim 2, and respectfully request that the Examiner withdraw the rejection on the record.

Nonetheless, the Applicants note that claim 2 recites "upon completion of finalization for writing on the Lead-in area and the Lead-out area, the recording medium is set to a write protection state." In contrast, Ro discloses a setting of the overwriting prevention information when the corresponding audio/video program is recorded (column, 8, lines 31-36). Finalization is a state in which the area cannot thereafter be changed. Thus, while Ro teaches a setting of overwriting prevention information while corresponding data is being recorded, the present claim recites a setting of a write protection state after the recording of data in a user data area (i.e., upon completion of a finalization). Therefore, the Applicants respectfully submit that Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the setting of a write protection state upon completion of finalization of the Lead-in and Lead-out areas, as recited in claim 2.

Regarding the rejection of claim 4, it is noted that this claim depends from claim 2 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 5, as with claim 2, claim 5 has been amended to incorporate the allowable subject matter of claim 6, which is rejected only on nonstatutory double patenting grounds. Therefore, the Applicants respectfully submit that Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the invention as recited in claim 5, and respectfully request that the Examiner withdraw the rejection on the record.

Nonetheless, the Applicants note that claim 5 recites "the recording medium is set to a write protection state... when the finalization for writing on the Lead-in area and the Lead-out area has been completed." In contrast, Ro discloses a setting of the overwriting prevention information when the corresponding audio/video program is recorded (column, 8, lines 31-36). Finalization is a state in which the area cannot thereafter be changed. Thus, while Ro teaches a setting of overwriting prevention information while corresponding data is being recorded, the present claim recites a setting of a write protection state after the recording of data in a user data area (i.e., upon completion of a finalization). Therefore, the Applicants respectfully submit that

Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the setting of a write protection state upon completion of finalization of the Lead-in and Lead-out areas, as recited in claim 5.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

**ALLOWABLE SUBJECT MATTER:**

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 4/6/09

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**It's Not Final 'Til It's . . . Well, Finalized****Computers & Electronics**

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# It's Not Final 'Til It's . . . Well, Finalized

**Finish Your CD/DVD Burn**

Sometimes media players and burning software aren't quite truthful with us—such as when they tell us that a CD was successfully burned, but then we find out that a player won't play the newly burned disc.

The problem could be in your choice of discs. (See our "The Recordable vs. Rewriteable Conundrum" sidebar.) Or it may be because the software didn't *finalize* the burn, which is an essential step to recording to a disc.

We'll explain how to make sure neither issue becomes a problem when you burn a CD or DVD.

**■ What Is Finalization?**

When a burner finalizes a disc, it means you can't add to it or rearrange the content. Part of the finalization process, depending on the media player or burner you use, is the writing of a table of contents to the disc, which a player needs in order to play the disc. Some media players and burning software give you the option of finalizing the disc, but others, such as Windows Media Player 10, do it automatically.

Of course, if your player lets you burn in multiple sessions and if you plan to burn more content to the disc later, you shouldn't finalize it yet. But at some point in the burning process, you will have to finalize the disc before you can play it in a CD or DVD player. There is one exception, though: Even if you finalize a rewriteable disc, you can erase its content and burn to it again.

We burned discs using three popular applications: WMP10 (free; [www.microsoft.com/](http://www.microsoft.com/))

[windows/windowsmedia/mp10](#)), RealPlayer 10.5 (free; [www.real.com](#)), and Nero 7 Ultra Edition (\$99.99 package, \$79.99 download; [ww2.nero.com/nero7/enu/Products.html](#)). The process of finalizing a disc varies from player to player and program to program, but our steps should give you a general idea of how to accomplish this step, regardless of your hardware and software.

#### ■ Windows Media Player 10

Don't try to "finalize" discs with WMP. It uses the term "close" instead, and it doesn't give you the option *not* to close a disc because WMP automatically performs this function whenever you burn music CDs. WMP completes a three-step process during a burn: It converts files, if necessary; it burns them; and it closes them. You can monitor the stages by keeping an eye on the bottom of the Burn tab.

We successfully burned tracks to a CD-RW (CD-rewriteable), and although we couldn't play the disc on all of our CD players, especially our older ones, that wasn't WMP's fault; many older CD players simply can't play CD-RWs, even ones that have been created correctly.

However, it was easy to use WMP10 to erase the music files on our CD-RW. To make a clean sweep, just click the Erase Disk button (that's the one on the far right) on the Burn tab.

#### ■ RealPlayer 10.5

Burning options in RealPlayer are determined by what version you have. The free version does a nice job; we burned a music CD at a speed of 24X in less than five minutes onto a 48X CD-R (CD-recordable).

Burning with RealPlayer is a three-step process. First, it creates a table of contents. Second, it burns the tracks. And third, it finalizes the disc, which takes just a few seconds. With the free version, finalization is automatic, so you can't choose to skip this step until later. But members of Real Service and those who have purchased RealPlayer Plus can choose to burn a CD in multiple sessions. If you fit into one of those categories and select the multiple-session option, you'll need to make sure you complete the finalization step before you can play the disc. If you burn to a CD-RW, you can erase the disc by choosing that command from the Additional CD Tasks list.

#### ■ Nero 7 Ultra Edition

Nero 7 Ultra is a good CD- and DVD-burning suite, but finalizing discs depends on what tool you use. For instance, if you use Nero StartSmart to access shortcuts you can use to make an audio CD, you won't have the opportunity to activate or deactivate the finalization step because Nero will finalize the CD for you by default. If, however, you open Nero Burning ROM 7 to burn a CD, you have many options, including recording the disc in multiple sessions. The Burn tab in this section also has the finalization setting.

We burned eight tracks onto a CD-R via StartSmart shortcuts and found that Nero did indeed finalize the CD, which we played in several types of players.

#### ■ Helpful Hints

Regardless of which player you use to burn a disc, you should follow these tips for the best results.

**Use brand-name discs.** Brand-name discs may cost a bit more than generic ones, but you'll compensate for the higher price tag by buying quality. That said, some older players may not play certain disc brands. Many disc-burning enthusiasts will tell you that they experimented with a variety of brands and speeds before they found what works best with their burner and players.

At the same time, it isn't necessary to purchase blank CD-Rs that are labeled "music" when you want to create an audio CD; regular CD-Rs work just fine for burning music files.

**Shut down other functions.** As you might expect, it's a good idea





***Don't try to burn at a faster rate than the disc allows, regardless of your burner's capabilities.***

to close other programs when burning a disc. Granted, an app such as Microsoft Word shouldn't affect a burn session, but ideally, you shouldn't run anything else until the burn session ends.

In addition, turn off your screen saver. Right-click your Desktop, choose Properties, and click the Screen Saver tab. Under Screen Saver, choose None from the drop-down menu, click Apply and OK. Also, turn off your optical drive's autoplay function. Open My Computer, right-click the optical drive icon, choose Properties, and click the AutoPlay tab. Select Blank CD or DVD Movie from the top drop-down menu, select the Prompt Me Each Time To Choose An Action radio button, and click Apply and OK.

**Burn at a slower rate.** Your optical drive's burn speed can cause problems if you try to burn at a rate that's faster than the disc allows. In addition, even if your blank discs and burner can record at fast speeds, you might find that burning at such a high speed leads to buffer underrun problems, which is a common mistake when burning discs. (A **buffer underrun** occurs when the flow of data from the source—such as your hard drive—to the buffer in your optical drive is interrupted, thereby allowing the buffer to be emptied. When this happens, writing to the disc stops.) Too many buffer underruns can render a disc unreadable to players.

A media player may give you the option of enabling underrun protection or have it set as the default. Selecting that option or setting won't completely eliminate the possibility that an underrun might occur, but it will allow the burner to "link" data across the small gaps on the disc that are created by a buffer underrun. Your best bet is to set your burner's burn speed to a slower setting. You can do this either by adjusting your media player's settings or by opening the drive's Properties (as we mentioned previously in this article) and choosing the appropriate settings on the Recording tab (followed by clicking Apply and OK).

#### ■ To Tell The Truth

If you follow these steps, as well as the ones your media player outlines, you shouldn't have any problems burning discs that do, in fact, work with your CD and DVD players. And when that happens, you can be sure that your media player or burning software is telling the truth when it says the burn was successful. ■

*by Rachel Derowitsch*

## The Recordable vs. Rewriteable Conundrum

We need to clear up any confusion that may exist about the differences between CD-R/DVD-R (recordable) and DVD-RW/CD-RW (rewriteable) discs.

You can burn music tracks or video to a CD-R/DVD-R only once (unless your media player or burning software lets you record in multiple sessions). You can't erase the content on a CD-R/DVD-R, and you can't add content to it later once it's finalized. On the other hand, DVD-RW/CD-RW media can be burned, erased, and recorded to again.

But CD-Rs/DVD-Rs are more universally accepted. For example, you'll find that even if you successfully burn to a CD-RW and finalize it correctly, that still doesn't mean that all CD players will recognize it, especially the older players.

If you've never burned discs before, make sure you know what kind of CD/DVD burner you have before you purchase blank discs. Look on the outside of the drive/burner for a label or logo, and you should see the words, "Compact Disc ReWritable," or something similar. If your burner has a label such as this, you can burn to both CD-R and CD-RW media. Similarly, you can look for a label such as

"DVD Multi Recorder," which indicates you can burn to DVD-R (general, not authoring), DVD-RW, and type II DVD-RAM media.

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